

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re: Petersen *et al.* Confirmation No.: 5876  
Appl. No.: 09/327,761 Group Art Unit: 1651  
Filed: June 7, 1999 Examiner Witz, Jean C.  
For: BONE GRAFT SUBSTITUTE COMPOSITION

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(c)**

I, Christopher M. Humphrey, am an attorney of record of the disclaimant, Wright Medical Technology, Inc., and am authorized to execute this disclaimer on behalf of Wright Medical Technology, Inc. The disclaimant, Wright Medical Technology, Inc., having a principal place of business at 5677 Airline Road, Arlington, TN 38002, is the owner of all right, title, and interest in the above-identified application, by Assignment recorded August 26, 1999, and recorded at Reel 010194, Frame 0346.

The disclaimant hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of any patent that issues from United States Application No. 10/060,697, filed January 30, 2002, entitled *Bone Graft Substitute Composition*, which patent application was assigned to the above-identified disclaimant by an Assignment recorded January 4, 2002, at Reel 012446, Frame 0160.

Disclaimant further agrees that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent issuing from U.S. Application No. 10/060,697, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application which is prior to the expiration of the full statutory term of any patent issuing from U.S. Application No. 10/060,697 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(c), has all claims canceled by

a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully submitted,

/christopher m. humphrey/

Date: 1/29/2007

Christopher M. Humphrey  
Registration No. 43,683

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The disclaimant hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of any patent that issues from United States Application No. 09/947,833, filed September 6, 2001, entitled *Bone Graft Substitute Composition*, which patent application was assigned to the above-identified disclaimant by an Assignment recorded January 12, 2001, at Reel 012151, Frame 0960.

Disclaimant further agrees that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent issuing from U.S. Application No. 09/947,833, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application which is prior to the expiration of the full statutory term of any patent issuing from U.S. Application No. 09/947,833 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily

disclaimed in whole or terminally disclaimed under 37 CFR 1.321(c), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

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The disclaimant hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of United States Patent No. 6,652,887, issued November 25, 2003, entitled *Bone Graft Substitute Composition*, which patent was assigned to the above-identified disclaimant by an Assignment recorded June 24, 2002, at Reel 013058, Frame 0868.

Disclaimant further agrees that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,652,887, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application which is prior to the expiration of the full statutory term of U.S. Patent No. 6,652,887 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(c), has all claims canceled by a reexamination

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